

J. Love

GRAND JUNCTION PLANNING COMMISSION  
Public Hearing -- July 11, 1989  
7:30 p.m. - 11:30 p.m.

The public meeting was called to order by Chairman Steve Love at 7:30 p.m. in the City/County Auditorium.

In attendance, representing the City Planning Commission, were:

Ron Halsey	John Elmer
Sheilah Renberger	Jack Campbell
Steve Love, Chairman	Jim Tyson

In attendance, representing the City Planning Department, were:

Kathy Portner	Karl Metzner	Linda Weitzel
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Other City officials present included Dan Wilson, City Attorney, and Don Newton, City Engineer.

Terri Troutner was present to record the minutes.

There were approximately 29 interested citizens present during the course of the meeting.

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**I. APPROVAL OF MINUTES**

**MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, I MAKE A MOTION THAT WE APPROVE THE MINUTES (OF THE JUNE 6, 1989 MEETING) AS SUBMITTED."**

Commissioner Halsey seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR PRESCHEDULED VISITORS**

Chairman Love welcomed Sheilah Renberger as the newest member of the Planning Commission. Sheilah gave a brief overview of her qualifications and expressed her enthusiasm for the position.

### III. MEETING FOR FINAL DECISION

The first item was held as a hearing item due to the nature of the proposal.

#### 1. #49-88 REVOCATION OF CONDITIONAL USE

Petitioner: City Planning Department  
Location: (A-1 Auto Sales) 1025 South 5th Street

#### PETITIONER'S PRESENTATION

Linda Weitzel represented the City Planning Department's position in the consideration of the revocation. She was sworn in by Chairman Love prior to her testimony.

Linda read from a prepared summary which stated the various actions relating to the granting of the conditional use. The revocation was being sought because certain conditions of the Conditional Use had not been met, specifically the landscaping requirement which required the removal of the existing scrap tires from the property. Linda stated that it did not appear that much effort had been made to satisfy the requirements of the Conditional Use.

#### RESPONDANT'S PRESENTATION

John Huntzinger, legal representative for Pat Belcastro, was also sworn in prior to his testimony. Mr. Huntzinger said that Mr. Belcastro estimated that he had already removed four semi-truck loads of the scrap tires since taking the property back from Van Cleave's Tire and Retread (the business defaulted, and the property reverted back to Mr. Belcastro). Mr. Belcastro was aware that not all of the tires had been removed as was required, but he was making a good faith attempt to complete the removal.

Regarding the landscaping, Mr. Huntzinger pointed out a spot on the site plan where the landscaping had been partially completed; the remaining landscaping would be completed when the remainder of the tires had been removed.

Mr. Huntzinger felt that all outstanding requirements could be completed by September 1, 1989 if an extension could be given to that date. He maintained that Mr. Belcastro had a verbal agreement with the contractors for Dennis Weaver, actor, who would take all the 15" and 16" tires, removing two trailer loads today (July 11) and the remainder removed by the end of the month. The large tractor tires would be taken and used by a farmer in Loma.

Since he presumed the intent of the Commission was to ensure compliance by Mr. Belcastro to the requirements of his Conditional Use permit, Mr. Huntzinger felt that a request for a minor

extension to ensure that compliance was not an unreasonable request. To that end, Mr. Belcastro was willing to initiate a promissory note between himself and the City, secured by his equipment, which would assure the City that all outstanding requirements would be satisfied by the September 1 date. Dan Wilson, City Attorney, had apparently reviewed and approved of the document.

Mr. Huntzinger said that Mr. Belcastro was trying to comply with the requirements imposed. Unfortunately, Mr. Belcastro had not had the financial resources to complete the requirements in the time limit prescribed.

#### QUESTIONS

Commissioner Campbell asked for clarification on the cost of removing the tires.

Mr. Huntzinger said that the dump fees were \$5 per pickup truck load. With labor and vehicle costs, the total cost per truck load were estimated to be \$20. A dump truck load would cost \$17 to take to the dump, since dump truck prices were higher.

Chairman Love asked for clarification of the due date of the promissory note (there was a prior reference to a 45-day extension period which would set the date at approximately September 8).

Mr. Huntzinger said that the 45 days was an estimate. The actual date would be that given on the promissory note.

Commissioner Elmer asked Dan Wilson, City Attorney, if he had reviewed the document.

Dan said that he had reviewed the form and had found it acceptable. He clarified that the "form" was not really the issue, but rather the request for the extension. He felt that the Planning Commission could decide to either approve (with conditions) or deny the extension request. The use of the promissory note, in order to be effective for the City should request that it be given a first position security interest on Mr. Belcastro's tools. If that was viewed as a viable option to the Commission, Dan requested that Mr. Belcastro be put under oath, stating that he had tools with a value of at least the \$800 (estimated cost for satisfying the outstanding requirements of the Conditional Use permit). Dan continued that with the implementation of the promissory note, if the conditions of the permit were not met by the September 1 date, the City could complete the requirements for Mr. Belcastro and recoup the cost through the seizure of the "collateralized" tools. He recommended that the Commission not go beyond the September 1 date if an extension were granted.

Commissioner Elmer asked why the City should use the tools as a condition of compliance when the City could merely state that compliance is mandatory.

Dan felt that the only reason to do so might be that, given the previous history of non-compliance, it might provide additional incentive to Mr. Belcastro to ensure future compliance.

(A copy of the promissory note was entered into the file.)

Chairman Love agreed with Commissioner Elmer in that he did not want to see the City play "bill collector" in this matter.

Mr. Huntzinger reiterated that the offer of the tools as "collateral" was to demonstrate Mr. Belcastro's good faith.

Chairman Love asked Dan if the City had any property lien rights associated with the clean-up of a property.

Dan replied that, in those matters, it did not. Potentially, the City might never recoup the costs associated with the clean-up unless it specifically had such recompense spelled out in a written document. If compliance was not obtained at the end of the extension period, the City could immediately revoke the permit, close down the business, and then deal with the tire removal at that time as a public nuisance.

Mr. Huntzinger pointed out that, even if the permit was revoked (tonight), it would still not provide a remedy for removing the unwanted scrap tires. Dealing with the tires as a "nuisance" would still take over a year.

Commissioner Halsey referenced Mr. Belcastro's sign as advertising used autos and parts. He wanted to know if the tools were used on vehicles other than those belonging to Mr. Belcastro. He also wanted to know if the removal of parts from one vehicle for the repair of another constituted a salvage operation and was a violation of the Code in that respect.

Karl Metzner, Director of Planning, said that if the parts were obtained and stored on-site, then later sold, it could be classified as a salvage operation. The original Conditional Use permit allowed only for used car sales.

Commissioner Halsey asked Mr. Belcastro if relocating (a salvage operation) would be a hardship.

(Mr. Belcastro was sworn in by Chairman Love.)

Mr. Belcastro, 703 Ivanhoe Way, said that his was not a salvage operation; he used the parts taken from parted-out vehicles solely to repair those vehicles which were later offered for sale. No used parts were sold directly to the public.

Commissioner Campbell understood that Mr. Belcastro would later like to add a paint shop in his present location. He asked staff if that would be an acceptable use.

Karl replied that an auto paint shop would be an allowed use, and therefore, be acceptable.

There was some discussion over the definition of a salvage yard versus the removal of used parts to restore a vehicle and sell it.

Mr. Belcastro reiterated that he did not offer the used parts for sale to the general public, but solely used them for the restoration of his own vehicles for later sale.

Commissioner Campbell asked if Mr. Belcastro if he had other employees. He also noted that there was some problem keeping the weeds down.

Mr. Belcastro responded that no employees were hired; also, he is striving to keep the weeds under control.

When asked, Mr. Belcastro stated for the record that the City would have first lien on his tools; there were no other outstanding liens on them.

Commissioner Campbell felt that the \$800 figure mentioned earlier was estimated low.

Dan was unsure of the actual value. He said that the Commission could set another dollar value if it so chose.

Commissioner Campbell stated that he spoke with the Fire Marshal that afternoon. It was the Fire Marshal's opinion that the pile of tires had diminished somewhat.

Commissioner Renberger felt that the City was being very lenient to Mr. Belcastro in that it waived not only the Conditional Use fee but also the open space fees. She clarified that he knew the rules when he was granted the Conditional Use in the first place.

There was some discussion over how many tires would constitute a "truck load."

Commissioner Elmer felt that the six month period given to Mr. Belcastro originally was an arbitrary figure to begin with; he had no problem giving Mr. Belcastro an extension to September 1. He felt that that was the most reasonable method of getting rid of the unwanted tires. He was willing to take Mr. Belcastro on his word, with the understanding that if the problem still existed after granting an extension, the City would not look favorably upon the situation.

Commissioner Campbell asked if the item would come back before the Commission should Mr. Belcastro default a second time.

Dan suggested that the easiest way to handle the situation would be to defer a decision to the first Planning Commission hearing held in September. At that time, the decision on whether or not to revoke the permit could be based on whether the conditions of the permit had, by that time, been met.

There was discussion on the various aspects which should be addressed in the motion.

Mr. Huntzinger confirmed that upon the extension deadline, Mr. Belcastro understood that all requirements of the permit would be satisfied, including landscaping.

MOTION (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #49-88, REVOCATION OF A CONDITIONAL USE, A REQUEST TO REVOKE A CONDITIONAL USE PERMIT FOR AUTO SALES IN A HEAVY INDUSTRIAL (I-2) ZONE, FOR NON-COMPLIANCE OF THE CONDITIONS OF THE APPROVED PERMIT, I WOULD LIKE TO MAKE THE MOTION TO TABLE THE REVOCATION OF THE CONDITIONAL USE UNTIL THE FIRST MEETING IN SEPTEMBER WHERE WE WILL REVIEW THE EXTENSION THAT WE WILL GIVE THEM UNTIL SEPTEMBER 1 TO LIVE UP TO THE CONDITIONS OF THE PERMIT OF APPROVING THE LANDSCAPING ACCORDING TO THE REGULATIONS AND REMOVING THE TIRES OFF HIS SITE."

Commissioner Halsey seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

2. #30-89 CONDITIONAL USE FOR A CAR WASH

Petitioner: W. Lance Moses  
Location: 2442 Patterson (F) Road

PETITIONER'S PRESENTATION

Mr. Moses presented an overview of his request. He asked also for a waiver of open space fees. He also asked for a deferral of the curb and gutter requirements until such time as 24 1/2 Road was improved. He felt that putting them in upon development of the car wash would create additional drainage problems, since other businesses along 24 1/2 Road did not have the same improvements in place.

QUESTIONS

There was some discussion over the estimated cost of the improvements. Commissioner Elmer felt that the estimate was high. The petitioner based his figure on 180'; it was later determined that the petitioner should only be responsible for improvements on 113', which would be the actual developed site.

Commissioner Halsey asked where the runoff would go if the curb and gutter were extended down 24 1/2 Road.

Mr. Moses replied that if completed, the gutter would take the runoff right down to the storm drain. He reiterated that, although he agreed that the improvements were needed, he preferred that they be put in when they could be put in for the whole area and not just the one business.

STAFF PRESENTATION

Kathy Portner added that a shared access agreement was being drafted between the car wash and the Oil Express. The document should be recorded prior to the issuance of the planning clearance. She was unaware of the petitioner's intention to request an open space fee waiver, but said that the Commission could make a recommendation on the request. The landscaping shown on the plan exceeded the requirement; however, staff preferred to see additional shade trees if possible. An adequate underground irrigation system would be required for any landscaping. The grading and drainage plan was submitted and reviewed by the City Engineer and Grand Junction Drainage District; their comments should be taken into consideration.

Kathy continued saying that the Planning Department preferred that there be an agreement requiring the improvements along 24 1/2 Road or that funds be escrowed for future improvements. Such arrangement for the improvements should be in place prior to issuance of the planning clearance.

#### QUESTIONS

Commissioner Elmer asked for clarification of the utility relocation cost estimates which was given by the petitioner.

Commissioner Elmer asked Don Newton, City Engineer, what the cost of 113' of street improvements might be.

Don said that, for a collector street, costs would run approximately \$75 per foot. He added that 24 1/2 Road was approximately a foot higher than the adjacent properties, so that even if curb and gutter improvements were implemented, the drainage would not run off into the street. To meet City standards, 24 1/2 Road would need to be brought down a foot. Drainage from the site would end up flowing onto private property; therefore, he requested drainage easements from the properties located directly to the south.

There was a good deal of discussion between the Commissioners and Don Newton on the improving of 24 1/2 Road and bringing it to City standards. Some of the concerns involved when the road might be improved; how the City could ensure that the petitioner would complete the improvements if funds were escrowed; the past practice of requesting powers-of-attorney (P.O.A.) in lieu of escrowing funds, etc.

Dan Wilson provided additional history on the legal ramifications of the P.O.A. (no longer used by the City for street improvements) versus escrowing the funds. It was felt that the possibility existed where, if one owner signed over a P.O.A. and then sold the property before development occurred, the new owner might come back to challenge the City. Dan's recommendation was to require the escrowing of funds for future improvements to the street.

Commissioner Renberger wanted the petitioner to be aware that if funds were escrowed in lieu of having the street improvements put in right away, the cost of those improvements could potentially increase.

Don said that the escrow amount would be based on the current estimated amount for half street improvements. If costs increased by the time the improvements were put in, the City would have to make up the difference. He added that any improvements put into place at this time would be damaged when the rest of the road was improved at a later date.

There was a comment that half of 24 1/2 Road belonged to the County since 24 1/2 Road was presently a City boundary line. Because of that fact, it was felt that the overall improvement of 24 1/2 Road might be a long time in coming.

Chairman Love asked Don Newton if a copy of his letter had been sent to John Ballagh (Grand Junction Drainage) regarding the drainage. Don said that he hadn't, and John added that he had received a copy of the drainage study earlier in the afternoon, but did not receive a copy of Don's responses.

Commissioner Elmer asked about a comment made by the petitioner concerning the backing of cars onto F Road.

Mr. Moses responded that there would be adequate space behind the building so that if people chose not to wait in line, they could pull around the building and exit either onto F Road or 24 1/2 Road, without having to back onto F Road.

When asked about the addition of shade trees to the property, Mr. Moses said that he did not mind putting them in.

Commissioner Renberger asked about the sight distance and the request for fee waiver.

Don Newton replied that the sight distance was okay.

Mr. Moses' argument concerning the open space fee waiver was that, although the law says that the fee is required, it doesn't say who is responsible for the fee. His contention was that the developer of the subdivision should have paid the fee originally.

Karl added that the subdivision was originally platted in the County, and was, therefore, subject to County regulations. Theoretically, he continued, open space fees could be paid more than once on a single property in certain circumstances (he gave examples).

#### PUBLIC COMMENT

There were no comments either for or against the proposal.

MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #30-89, REQUEST FOR CONDITIONAL USE FOR A CAR WASH IN A HIGHWAY-ORIENTED (H.O) ZONE, I MOVE THAT THIS BE APPROVED WITH THE FOLLOWING CONDITIONS: 1) THAT THE GRADING AND DRAINAGE PLAN BE ACCEPTABLE TO THE CITY ENGINEER AND THE GRAND JUNCTION DRAINAGE DISTRICT, 2) THAT THERE BE AN ESCROW OF FUNDS FOR FUTURE STREET IMPROVEMENTS TO 24 1/2 ROAD, 3) THAT APPROVAL BE SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS, 4) THAT THE LANDSCAPING, INCLUDING ADDITIONAL SHADE TREES, BE IRRIGATED, AND 5) THAT THERE BE A SHARED ACCESS AGREEMENT BETWEEN THE CAR WASH AND OIL EXPRESS."

Commissioner Halsey seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #30-89, THERE'S BEEN A REQUEST FOR WAIVING THE OPEN SPACE FEES, I MOVE THAT WE (FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION THAT WE) DENY THAT REQUEST."

Commissioner Renberger seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

### 3. #31-89 CONDITIONAL USE FOR LIQUOR LICENSE

Petitioner: Peach Tree Inn, Jann Ertl  
Location: 1600 North Avenue

#### PETITIONER'S PRESENTATION

Jann Ertl gave a brief overview of his proposal. He felt the liquor license was important for the restaurant portion of the Inn (formerly the Bar X Motel). He asked for deferral of installing the curbs until the DOE finished the tailings removal on the site, and also asked for a delay in closing the North Avenue curb cut until the DOE's work was finished. He agreed to upgrade the landscaping.

#### STAFF PRESENTATION

Karl Metzner gave a brief history of the former liquor license obtained for the property. The former liquor license had expired, since the business had not been in operation for over a year. Staff felt it acceptable to delay the curb work until the tailings removal was completed.

Parking was discussed and found to be adequate.

## QUESTIONS

Commissioner Campbell asked if there was a public easement located behind the building.

Mr. Ertl responded affirmatively.

## PUBLIC COMMENT

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #31-89, A REQUEST FOR A LIQUOR LICENSE IN A LIGHT COMMERCIAL (C-1) ZONE, I MOVE THAT WE APPROVE THIS REQUEST SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS, AND ALLOWING A VARIANCE OF 30 DAYS AFTER THE REMOVAL OF THE MILL TAILINGS FOR COMPLETING ALL STREET IMPROVEMENTS REQUIRED BY THE CITY ENGINEER."**

Commissioner Renberger seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

A break in the meeting was called at 9:30 p.m.; the meeting reconvened at 9:38 p.m.

## **4. #32-89 CONDITIONAL USE FOR AUCTION GALLERY**

Petitioner: Auction Gallery, Ron and Wanda Hubbard  
Location: 701 Main Street

## PETITIONER'S PRESENTATION

John Huntzinger, representing the petitioner, outlined the proposal. Auctions would be held Saturday evenings and occasionally on Sundays. Regarding the parking availability, there are five spaces on-site. The petitioner was trying to obtain parking agreements to use the lots across the street at 730 and 734 Main Street (an old radiator shop and Beneficial Finance), but the only written agreement received, so far, was from Beneficial Finance, providing for an additional 12 spaces.

The petitioner agreed to plant three trees, supplied by the Parks and Recreation Street Trees Program, in the dirt strips along Main Street. No irrigation system existed, but the trees would be watered by a hose (apparently acceptable to the Parks and Recreation Department). Days and times of the auctions would be limited to those outlined in the Review Sheet comments; however,

the petitioner would like some flexibility for special events (i.e. charities, etc.). They would not, in any case, hold auctions during the day.

The Fire Department required the filling in of bricks in the fire wall, which had been done. The overhead door, originally to have been removed, was acceptable per the Building Department, with the installation of a pedestrian door to the east of the overhead door.

The petitioner requested a waiver of the open space fee, due to the Hubbards being tenants only and not property owners. (They are second party sub-lessees on a month-to-month contract.) Mr. Huntzinger felt that the open space fee would present a financial hardship to the Hubbards as well.

#### STAFF PRESENTATION

Kathy Portner felt staff and DDA concerns were adequately addressed. The Planning Department could allow some flexibility to allow an occasional special event auction, as long as it did not conflict with the heavy use of the downtown area. All auctions should be held indoors.

No specific landscaping was required for the zone other than that imposed by the Conditional Use. The redrock proposed by the petitioner was an improvement, and staff was pleased to see the inclusion of several trees. All requirements of the Building and Fire Department must be met, and a parking agreement with 730 Main Street was still necessary.

Regarding the open space fee waiver request, the City Attorney felt that the request, if based on the "lessee" status, was not justified; however, the issue of financial hardship was not addressed. The Parks and Recreation Department asked that the fees not be waived.

#### QUESTIONS

Commissioner Renberger asked for the number of instances where the open space fees were waived.

Kathy replied that the Belcastro request (heard earlier) was the only one that she was aware of.

Commissioner Elmer added that the decision to approve the Belcastro waiver had been made by Council; Planning Commission had still recommended denial in that instance.

Chairman Love wanted some assurance that the auctions would not be held so that they conflict with the regular downtown usage.

Mr. Huntzinger/Mr. Hubbard suggested that the Commission could clarify days and hours restrictions (Friday/Saturday evenings after 6:30 p.m. and sometimes on Sunday) with a certain number of special events auctions specified in the Conditional Use permit.

When asked why the petitioner chose that particular site, Mr. Hubbard replied that he had been given two months free rental for leasing the space, so that it was financially conducive.

There was some discussion concerning the possibility of spreading out the open space fee payments instead of completely waiving them. In that way, it might be financially less cumbersome for the petitioner.

Commissioner Campbell wanted to see a written statement from the Building Department stating that the overhead door had at least a one-hour fire rating. He was concerned that it didn't appear that the door had the one-hour "integrity" necessary to ensure the potential safety of the adjacent building should a fire occur.

When asked, the petitioner provided additional detail on the planting of the trees from the Parks and Recreation Department.

#### PUBLIC COMMENT

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #32-89, REQUEST FOR A CONDITIONAL USE FOR AN AUCTION HOUSE IN A RETAIL BUSINESS (B-3) ZONE, I MOVE THAT WE APPROVE THIS REQUEST, SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS; THAT WE RESTRICT THE USE TO AN INDOOR USE WITH NO OUTDOOR STORAGE; THAT THE HOURS FOR HOLDING AN AUCTION WILL BE RESTRICTED TO (AT LEAST AFTER) 6:00 P.M ON WEEKDAYS AND ON WEEKENDS AS PROPOSED; AND THAT WE HAVE A LETTER FROM THE BUILDING DEPARTMENT STATING THAT THERE IS A ONE-HOUR FIRE RATING ON THE STEEL (OVERHEAD) DOOR."**

Commissioner Halsey seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

**MOTION: (COMMISSIONER CAMPBELL) "MR. CHAIRMAN, ON ITEM #32-89, CONSIDERATION OF A WAIVER OF OPEN SPACE FEES, I MOVE THAT WE FORWARD THIS TO THE CITY COUNCIL WITH THE RECOMMENDATION OF DENIAL."**

Commissioner Halsey seconded the motion.

A vote was called and the motion passed by a vote of 4-2, with Commissioners Renberger and Elmer opposing.

#### **IV. FULL HEARING**

##### **1. #28-89 REZONE AND FINAL PLAN FOR RIO GRANDE FEDERAL CREDIT UNION**

Petitioner: Rio Grande Federal Credit Union, Levi Lucero  
Location: 536 Ouray Avenue

##### **2. #29-89 REZONE FROM RMF-64 TO PZ**

Petitioner: Bray and Company, Levi Lucero  
Location: 537 Chipeta Avenue

(Transcriber's note: Due to the interrelation of these two items, and the fact that questions, public comment, and motions were made simultaneously, both items will be represented jointly in the official minutes of the hearing.)

Commissioner Elmer stated for the record that, while he had represented the Teacher's Credit Union during the first request for rezone, he felt that there was no conflict of interest, since the Teacher's Credit Union had moved from the location being discussed.

#### **PETITIONER'S PRESENTATION**

Tom Logue, representing the petitioner, outlined the proposal and explained the land swap which would occur between the Rio Grande Credit Union (Credit Union) and the County if rezone approval was given.

The major change would occur to the property on Chipeta, where the petitioner would like to develop a 13-space parking lot. The petitioner would provide additional screening along the west property line and Chipeta Avenue in the form of matching a 5' fence and installing woven slats as a barrier. Additional landscaping would be provided along Chipeta, and access to the parking lot would be from the alley.

Tom felt that the request was in compliance with the Neighborhood Guidelines adopted by the City Council.

#### **QUESTIONS**

Chairman Love and Commissioner Elmer provided some history on the former Teacher's Credit Union request for a similar rezone and its differences to the present request.

Tom mentioned that the Credit Union may later request drive-up window(s). The petitioner understood that such a request would require an amendment to the final plan.

Commissioner Elmer expressed his preference for a curb cut off Chipeta Avenue.

Commissioner Halsey asked how any expansion (if drive-up windows were added) would impact traffic flow.

Tom responded that, since no expansion was eminent, no traffic projections were ready. He was unsure to what extent any expansion would take place.

Commissioner Halsey wanted the petitioner to realize that the request for any drive-up facilities or expansion would have to be considered as a separate issue.

Commissioner Elmer asked if the petitioner had agreed to place a 4-foot wooden fence in lieu of a chain link fence to the west of the Credit Union.

Tom clarified that the 4-foot fence, to be placed on the property to the west of the existing Credit Union was in addition to the screening proposed for parcel C (the proposed parking lot off Chipeta Avenue).

There was some discussion on the locations of the fences, and locations were indicated on the site plan.

#### STAFF PRESENTATION

Kathy Portner provided a brief history of the property and the various requests proposed for the property. She indicated that the present request was in compliance with the Downtown Neighborhood Guidelines. The present request to rezone the existing Credit Union facility to PB would bring that non-conforming use into compliance with the Code.

The proposed screening was acceptable to staff, with the addition of screening to the west of the Credit Union building. The Planning Department did request that any approval for PB zoning be limited in its uses to financial institutions, professional/government offices, and neighborhood service offices (one category in the Code).

Kathy added that funds would need to be escrowed for alley improvements, and that such escrowing of funds must be completed prior to the recording of the site plan. She asked that the Commission make three motions: 1) regarding the rezone of the Credit Union building at 536 Ouray from RMF-64 to PB, 2) the

request to rezone the parking lot to the east (lots 21 and 22, block 60) from PZ to PB, and 3) final decision on the final development plan. She added that the actual parking lot proposal would be required to go through the Special Use process; Commission would be responsible for considering the rezone of the properties only, as well as the final plan for the Credit Union.

She explained the motion requested for #29-89, the rezone request from RMF-64 to PZ on 537 Chipeta Avenue.

**PUBLIC COMMENT**

FOR:

There were no comments for the proposal.

AGAINST:

Dorothy Sublett, 552 Chipeta, expressed her concerns about the potential heat build-up created by a new parking lot.

Frank Bering, 540 Chipeta, felt that the parking lot and fence should be set in 25' to keep a continuous line along Chipeta. He also preferred additional landscaping of the right-of-way in front of the fence.

A letter was entered into the record from Betty Fulton, 634 North 5th Street, also requesting additional landscaping in the right-of-way.

Ken Brown, 538 Chipeta, agreed with the former comments regarding the setting back of the fence and additional landscaping.

Marion Hunt, 517 Chipeta Avenue, wanted to know if there was a limit on the Credit Union's hours, or whether the noise from its business would continue into the evening. She wanted the 4-foot fence increased in height.

Wanda Brown, 538 Chipeta Avenue, didn't want any access made from the proposed parking lot onto Chipeta Avenue.

Sharon Mickeljohn, representing the Senior Nutrition Center, felt that a parking lot next to them would be more convenient.

**PETITIONER'S REBUTTAL**

Tom said that the petitioner agreed to comply with all the Review Sheet Summary comments. Landscaping in a setback area to match the Gray Gourmet building setback could be added, and the reduction of a parking space to provide landscaping would not be a problem. No access onto Chipeta is proposed. Regarding the hours for usage of the proposed parking lot, it would be used for

the Gray Gourmet during regular business hours during the week and sometimes on the weekends. Access to the parking lot would be limited to the alley. It was felt that any entrance/exit to the Credit Union parking would be primarily from Ouray Avenue.

#### QUESTIONS

Mr. Bering felt that there would be more than one parking space lost if the fence were moved back 25'.

Commissioner Halsey requested a provision be made for an additional handicap parking space.

Commissioner Elmer commented that the Neighborhood Guidelines would prevent any northern encroachment of business uses.

Don Newton, City Engineer, asked if the petitioner figured the alley improvement requirements based on both parcels owned by the Credit Union or just the property to the north.

Tom responded that the petitioner based the figure on both parcels.

**MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #28-89, A REQUEST FOR REZONE OF 536 OURAY AVENUE FROM RESIDENTIAL MULTI-FAMILY (RMF-64) TO PB, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SINCE THIS REZONE MEETS THE FOLLOWING CRITERIA: 1) THAT THE ORIGINAL CONDITIONAL USE PERMIT WAS IN ERROR AND SHOULD BE CORRECTED; 2) THAT THE REZONE REQUEST FITS THE NEIGHBORHOOD GUIDELINES THAT HAD BEEN OUTLINED BY CITY COUNCIL; 3) THAT IT IS A BENEFIT TO THE CITY OF GRAND JUNCTION TO DO SO; AND THAT, ALSO, THIS RECOMMENDATION IS SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS."**

Comissioner Halsey seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

**MOTION: (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #28-89, A REQUEST TO REZONE LOTS 21 AND 22 OF BLOCK 60 OF THE CITY OF GRAND JUNCTION FROM PZ TO PB, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SINCE THIS REZONE MEETS THE FOLLOWING CRITERIA: 1) THE REZONE MEETS THE REQUIREMENTS OF THE NEIGHBORHOOD GUIDELINES; 2) THAT IT IS A PUBLIC BENEFIT TO GIVE ROOM TO THE EXISTING BUSINESSES TO EXPAND, ACCORDING TO THOSE GUIDELINES; 3) THAT IT IS SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS; AND 4) THAT IT IS SUBJECT TO THE LAND SWAP BETWEEN THE CREDIT UNION AND THE COUNTY TAKING PLACE."**

Commissioner Halsey seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

**MOTION:** (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #28-89, CONSIDERATION OF A FINAL PLAN FOR BRAY AND COMPANY, I MOVE THAT WE APPROVE THIS REQUEST, SUBJECT TO: 1) THAT THE APPROVED USES BE LIMITED TO FINANCIAL INSTITUTIONS, PROFESSIONAL/GOVERNMENT OFFICES, OR NEIGHBORHOOD SERVICE OFFICES; 2) THAT FUNDS ARE ESCROWED FOR ALLEY IMPROVEMENTS PRIOR TO RECORDING THE SITE PLAN; AND 3) THAT APPROVAL IS SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS."

Commissioner Campbell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

**MOTION:** (COMMISSIONER ELMER) "MR. CHAIRMAN, ON ITEM #29-89, A REQUEST TO REZONE PROPERTY LOCATED AT 537 CHIPETA AVENUE FROM RESIDENTIAL MULTI-FAMILY (RMF-64) TO PZ, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO THE LAND SWAP TAKING PLACE BETWEEN THE PETITIONER AND THE COUNTY, AND SUBJECT ALSO TO THE REVIEW SHEET SUMMARY COMMENTS."

Commissioner Renberger seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

**2. #34-89 REZONE FROM RSF-8 TO PZ**

Petitioner: City Planning Department  
Location: 1041 Mesa Avenue

**PETITIONER'S PRESENTATION**

Karl briefly outlined the proposal which involved Mesa State College converting a single family residence to an office for the College foundation. The character of the structure would remain unaltered, and it was felt that the use was compatible with the surrounding area.

## QUESTIONS

Commissioner Elmer asked how parking would be addressed.

Karl replied that some on-site parking existed; also, excess right-of-way existed so that there may be a potential for vacating a part of the right-of-way. The parking question would be addressed through the Special Use process.

There was some discussion between Commissioner Elmer, Karl Metzner, and Carl Wahlberg of Mesa State College on the parking issue. Karl reiterated that the parking would be addressed through the Special Use process which had not been completed. He read from the College's narrative regarding hours of operation. Hours would be standard business hours (4 staff) except for small group meetings (8-10 persons) which might be held in the evenings.

When asked, Karl said that the statements made regarding the persons and hours involved could be made a part of the Special Use requirements.

## PUBLIC COMMENT

There were no comments either for or against the proposal.

**MOTION: (COMMISSIONER HALSEY) "MR. CHAIRMAN, ON ITEM #34-89, A REQUEST TO REZONE THE PROPERTY AT 1041 MESA AVENUE FROM RESIDENTIAL SINGLE FAMILY (RSF-8) TO PZ, I MOVE THAT WE FORWARD THIS ON TO CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL, SUBJECT TO THE REVIEW SHEET SUMMARY COMMENTS."**

Commissioner Campbell seconded the motion.

A vote was called and the motion passed unanimously by a vote of 6-0.

## **IV. NON-SCHEDULED CITIZENS AND/OR VISITORS**

Albert Wales, 1761 Palisade Street, spoke regarding the first item at 1025 South 5th Street. He was concerned that the ruling tonight would affect the other junkyard owners in the area.

Chairman Love said that the request to revoke a previous approval in no way affected adjacent property owners.

The meeting was adjourned at 11:30 p.m.